

PATENT APPLICATION FEE DETERMINATION RECORD

Effective October 1, 2000

Application or Docket Number

69/961205

GP-300567

**CLAIMS AS FILED - PART I**

(Column 1) (Column 2)

TOTAL CLAIMS	28	
FOR	NUMBER FILED	NUMBER EXTRA
TOTAL CHARGEABLE CLAIMS	28 minus 20 =	8
INDEPENDENT CLAIMS	7 minus 3 =	4
MULTIPLE DEPENDENT CLAIM PRESENT	<input type="checkbox"/>	

\* If the difference in column 1 is less than zero, enter "0" in column 2

**CLAIMS AS AMENDED - PART II**

(Column 1) (Column 2) (Column 3)

AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	Minus	.. 30	=
Independent	3	Minus	.. 7	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM	<input type="checkbox"/>			

SMALL ENTITY  
TYPE  OR OTHER THAN  
SMALL ENTITY

RATE	FEES	RATE	FEES
BASIC FEE	355.00	OR BASIC FEE	710.00
X\$ 9=		OR X\$18=	144
X40=		OR X80=	320
+135=		OR +270=	—
TOTAL		OR TOTAL	1174

OTHER THAN  
SMALL ENTITY

RATE	ADDI- TIONAL FEE	RATE	ADDI- TIONAL FEE
X\$ 9=		OR X\$18=	
X40=		OR X80=	
+135=		OR +270=	
TOTAL ADDIT. FEE		OR TOTAL ADDIT. FEE	

AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	Minus	..	=
Independent	..	Minus	..	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM	<input type="checkbox"/>			

RATE	ADDI- TIONAL FEE	RATE	ADDI- TIONAL FEE
X\$ 9=		OR X\$18=	
X40=		OR X80=	
+135=		OR +270=	
TOTAL ADDIT. FEE		OR TOTAL ADDIT. FEE	

AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
	Total	Minus	..	=
Independent	..	Minus	..	=
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM	<input type="checkbox"/>			

RATE	ADDI- TIONAL FEE	RATE	ADDI- TIONAL FEE
X\$ 9=		OR X\$18=	
X40=		OR X80=	
+135=		OR +270=	
TOTAL ADDIT. FEE		OR TOTAL ADDIT. FEE	

- \* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
- \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."
- \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.



I hereby certify that I have reasonable basis to expect that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail addressed to: Commissioner for Patents, PO Box 1450, Alexandria VA 22313-1450 on

June 22, 2004

Stephanie Harbin  
Stephanie Harbin

361881

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. 09/961,205  
(Attorney Docket No. GP-300567)

Filed September 24, 2001

Goro Tamai  
William L. Aldrich III  
Tony T. Hoang  
Patrick L. Risse

Group 3618

RECEIVED

JUN 30 2004

GROUP 3600

APPARATUS AND METHOD FOR  
CONTROLLING A HYBRID VEHICLE

Examiner Bridget D. Avery

AMENDMENT IN RESPONSE TO PAPER NO. 13

Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

R E M A R K S

This amendment is in response to the interview of May 27, 2004 and the Office Action mailed on May 10, 2004, where Claims 25-30 were rejected. Claims 25-30 remain pending.

Claim Rejections Under 35 U.S.C § 102 and 103

On page 2 of the Office Action, The Examiner rejected Claims 25-29 under 35 U.S.C § 103 as being unpatentable over Long III et al. in view of Yanase et al.

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Applicants have resubmitted a Rule 1.131 affidavit eliminating Yanase et al. as a reference. Yanase et al. has an international filing date prior to November 29, 2000. Thus the Examiner may rely only on the U.S. filing date of Yanase et al. which is February 16, 2001. Applicants have sworn behind the U.S. filing date of Yanase et al. The remaining cited art fails to disclose all of the limitations of Claims 25-30. Thus, Claims 25-30 are not taught or suggested by the cited art.

If the Examiner relies on personal knowledge that the apparatus of the present invention is obvious, Applicants respectfully request support for this assertion in the form of an affidavit that shall be subject to contradiction or explanation by the affidavits of the Applicant and other persons under 37 C.F.R. 1.104 (d)(2).

### CONCLUSION

The entire Office Action dated May 10, 2004, has been carefully reviewed and this response is submitted as being fully responsive thereto. In view of the preceding remarks, Applicants respectfully submit that Claims 25-30 are in condition for allowance and respectfully request such action at the Examiner's earliest convenience. If the Examiner believes that personal contact would be advantageous to the disposition of this case, he is requested to call the undersigned at his earliest convenience.

If for some reason a fee needs to be paid, as well as one-month extension fee, please charge our Deposit Account No. 07-0960, which may be due.

Respectfully submitted,



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CD:sh  
Enclosure